

CONFERENCE REPORT ON H.R. 3183,  
ENERGY AND WATER DEVELOP-  
MENT AND RELATED AGENCIES  
APPROPRIATIONS ACT, 2010

SPEECH OF

**HON. EDWARD J. MARKEY**

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 8, 2009*

Mr. MARKEY. Mr. Speaker, I wish to address briefly the language of Section 401 of the conference report, which requires the Nuclear Regulatory Commission (NRC) to provide a report on barriers to the issuance of a combined construction and operating licenses (COLs).

As the Chairman of the Energy and Environment Subcommittee of the House Energy and Commerce Committee, which has jurisdiction over the NRC, I want to ensure that the Commission, in responding to Section 401, remains cognizant of its responsibilities to comply with the substantive and procedural requirements of the Atomic Energy Act, the National Environmental Policy Act (NEPA) and NRC regulations in the issuing of COLs to new nuclear power plants. These laws cannot be overridden or even challenged by a reporting requirement appended to an annual appropriations bill.

The NRC should, of course, review COL applications in an efficient fashion, without undue or unwarranted delays. However, speed of action is not the only policy interest that the Congress has with respect to licensing. Public confidence in the fairness and integrity of the licensing process requires the Commission to ensure that licensees comply with the substantive safety requirements of the law and of NRC regulations. The Commission must therefore assure that it does not sacrifice crucial safety evaluations, public input or adequate environmental review as part of any effort to streamline or accelerate its regulatory functions.

Under Section 185 of the Atomic Energy Act, the NRC is directed, after holding a public hearing, to "issue to the applicant a combined construction and operating license if the application contains sufficient information to support the issuance of a combined license and the Commission determines that there is reasonable assurance that the facility will be constructed and will operate in conformity with the license, the provisions of this Act, and the Commission's rules and regulations."

The Act further stipulates that in conducting its licensing activities, "The Commission shall identify within the combined license the inspections, tests, and analyses, including those applicable to emergency planning, that the licensee shall perform, and the acceptance criteria that, if met, are necessary and sufficient to provide reasonable assurance that the facility has been constructed and will be operated in conformity with the license, the provisions of this Act, and the Commission's rules and regulations."

Moreover, the Act mandates that: "Following issuance of the combined license, the Commission shall ensure that the prescribed inspections, tests, and analyses are performed and, prior to operation of the facility, shall find that the prescribed acceptance criteria are met."

In addition, NRC regulations 10 CFR Part 51 and 10 CFR Part 52 implement the require-

ments of the Atomic Energy Act and NEPA in regards to the licensing process. Under these regulations, for example, the NRC is required to prepare an environmental impact statement (EIS) as part of the COL application. According to the NRC website, "the NRC staff estimates that the environmental review process will take approximately 24 months. This includes scoping, issuance of the draft EIS, a comment period, and issuance of the final EIS."

While it is true that the necessary reviews take time, the NRC's licensing regulations were enacted to protect the public from poorly sited locations, untested reactor designs, and other factors that could lead to environmental damage, unsafe construction, or even catastrophic nuclear emergencies. I support an efficient and effective NRC licensing process as long as it does not come at the expense of the safeguards codified in existing law.

In point of fact, it does not appear that the licensing process itself is to blame for any delays in new reactor approval. In 2007 the NRC established the Office of New Reactors (NRO), separate from the Office of Nuclear Reactor Regulation, so that the NRO can focus solely on the review of new reactors. Indeed, NRC Chairman, Dr. Gregory Jaczko, has repeatedly stated that the licensing delays are "almost exclusively tied to challenges with the [reactor] designs not being complete," resulting in license applications that reference uncertified design plans. This bottleneck has far more to do with the iterative design approval process, than with potential internal NRC barriers such as inefficient administration or inadequate funding. Certainly all must agree that it is impossible for the NRC to approve a license application for which there is not yet an approved design!

Finally, I would note that while Section 401 mandates report submission to the committees on Appropriations, the House Energy and Commerce Committee, which is the NRC's authorizing committee, also expects to receive copies of any reports submitted pursuant to this Section.

I look forward to seeing the Commission's report on this matter, and I urge the Commission to pay careful heed to the current laws and regulations under which the NRC operates, so that we ensure that the nuclear reactor application process works properly.

PERSONAL EXPLANATION

**HON. JIM GERLACH**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 8, 2009*

Mr. GERLACH. Madam Speaker, unfortunately, on Tuesday, October 6, 2009, I missed three recorded votes on the House floor. Had I been present, I would have voted "yea" on rollcall 753, "nay" on rollcall 754, and "yea" on rollcall 755.

CONFERENCE REPORT ON H.R. 2997,  
AGRICULTURE, RURAL DEVELOP-  
MENT, FOOD AND DRUG ADMIN-  
ISTRATION, AND RELATED  
AGENCIES APPROPRIATIONS  
ACT, 2010

SPEECH OF

**HON. CANDICE S. MILLER**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 7, 2009*

Mrs. MILLER of Michigan. Mr. Speaker, I rise today in strong support of the Conference Report for H.R. 2997, the Agriculture Appropriations Act of 2010.

My district is home to some of the most fertile farm land in our great nation, as well as some of the hardest working farmers.

While so many people identify Michigan with manufacturing, it can be easy to forget that agriculture is Michigan's second leading industry, and the bright spot in a struggling Michigan economy.

As you drive through my district, you will see fields full of dry beans, sugar beets, corn, wheat, soybeans, various vegetables, and other crops needed to feed our nation and the rest of the world. You will also see thriving cattle and pork industries.

This bill is important because it provides much needed funding for the Farm Services Agency which administers disaster and loan programs, farm commodities and conservation programs directed towards producers.

The bill also goes a long way in providing money for continued agriculture research which is so important in increasing harvest yields and furthering education for our producers. Agriculture research is vitally important to ensure that America remains the greatest food producer in the world.

Finally, this legislation will provide necessary money for our nation's struggling dairy farmers. In these tough economic times, dairy producers have been struggling with a steep drop in price for their product. My district is home to a large dairy industry, and it is of vital importance that we do all that we can to help these producers out.

While there are certainly challenges with this bill, it is vital that we move this important funding bill forward. The funding provided by this bill will serve as strong support for an industry that is crucial for our national economy.

I strongly urge my colleagues to vote in favor of this important legislation.

PERSONAL EXPLANATION

**HON. ILEANA ROS-LEHTINEN**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 8, 2009*

Ms. ROS-LEHTINEN. Madam Speaker, on rollcall no. 754, a motion to instruct Conferees on H.R. 2647, the Department of Defense Authorization, FY2010.

Had I been present, I would have voted "nay."